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OFFICE OF PETITIONS

In re Application of
Richard A. Mathies et al.
Application No. 09/199,655
Filed: November 25, 1998
Attorney Docket No. 104464-0002

ON PETITION

This is a decision on the renewed petition, filed September 1, 2005 under 37 CFR 1.137(b), to revive the above-identified application.¹

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the final Office Action mailed November 27, 2001. An amendment, filed January 30, 2002, was considered and the applicant was advised in an advisory action mailed February 5, 2002, that the amendment did not place the application in condition for allowance. Subsequent responses filed February 19, 2002 and March 11, 2002 were filed and considered but not entered. An advisory action and a Notice of Abandonment were both mailed August 22, 2002. A petition to revive filed January 29, 2003 was filed and granted in a decision mailed March 24, 2003. However, a Notice of Improper RCE was mailed June 9, 2003 and as a result the decision vacating the previous grant was mailed June 13, 2003.

Comes now petitioner with this renewed petition.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof

¹The instant petition shows proof, by certificate of mail, that the petition to revive was filed in response to a decision vacating a previous grant on October 14, 2003, but was not associated with the file.

in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

A Request for Continued Examination (RCE) and an amendment have been submitted in response to the Final Office action and in compliance with 37 CFR 1.114. The RCE fee was applied on January 29, 2003.

The application is being forwarded to Technology Center 1743 for processing of the RCE and amendment.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in cursive script, reading "Patricia Faison-Ball".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions